

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

|                           |   |   |
|---------------------------|---|---|
| JOHN DAVID KUEHNE, JR.,   | : |   |
| Defendant/Petitioner,     | : | Case No. 3:10cv379                        |
|                           | : | Case No. 3:03cr063-1                      |
| vs.                       | : |   |
|                           | : | District Judge Thomas M. Rose             |
| UNITED STATES OF AMERICA, | : | Chief Magistrate Judge Sharon L. Ovington |
| Plaintiff/Respondent.     | : |   |

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**DECISION AND ENTRY**

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The Court has reviewed the Report and Recommendations of Chief United States Magistrate Judge Sharon L. Ovington (Doc. #396), to whom this case was originally referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on October 17, 2014 (Doc. #396) is ADOPTED in full;
2. Kuehne's Motion for Relief from Judgment (Doc. #395) is DENIED;
3. Kuehne is denied a certificate of appealability and leave to proceed *in forma pauperis* on appeal; and
4. The case remains terminated on the docket of this Court.

December 22, 2014

\*s/Thomas M. Rose

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Thomas M. Rose  
United States District Judge